

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1631 of 1989

WITH

CIVIL APPLICATION NO.95 OF 1991

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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DAHYABHAI MOTILAL JARIWALA

Versus

THE APPELLANT AUTHORITY

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Appearance:

MR ARUN H MEHTA for Petitioners  
Mr.V.M.Pancholi, Ld. Asst.GOVERNMENT PLEADER  
for Respondent No. 1, 2

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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 09/07/1999

ORAL JUDGEMENT

1. Civil Application No.95/91 is granted in terms of  
para 2(A).

2. Heard Mr.Arun H. Mehta for petitioners and  
Mr.V.M.Pancholi, Ld.AGP for respondents.

3. The petitioners have challenged the order passed by the competent authority and the order passed by the Tribunal under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976. The authorities have not taken possession of the land in question from the petitioners which fact is not in dispute in view of the ad-interim injunction which was granted by this court while admitting the petition, and also having regard to the written instructions received by the Ld.Asst.Govt.Pleader dated 23.6.99 from the Section Officer, Revenue Department.

4. The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999 as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Article 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

5. The petition is accordingly disposed of as having abated. Rule is discharged. There shall be no order as to costs.

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